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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,310	10/14/2003	Chauncey F. Ross	03273-PA-DIV	5040
7590	01/13/2005		EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP Intellectual Property Law Offices 502 Washington Avenue, Suite 220 Towson, MD 21204			KENNEDY, SHARON E	
			ART UNIT	PAPER NUMBER
			3762	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/685,310	ROSS ET AL. <i>CN</i>
	Examiner Sharon Kennedy	Art Unit 3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10312003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Information Disclosure Statement

The prior art considered in the parent application has been considered herein. If applicant wants a listing of that prior art to appear on the face of any patent issuing from this application, applicant should submit a PTO Form-1449 with a listing thereof.

Copies of the prior art are not necessary.

Specification

The disclosure is objected to because of the following informalities: It needs to be update to include a "Reference to Related Applications" section, to include reference to the parent patent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Swenson et al., US 6,726,649. Swenson discloses all the claimed embodiments. Claim 8 is not anticipated because it would not be obvious to put a syringe on this needle. It does not appear that the Swenson needle has a central lumen, nor would it be obvious to add one.

Claims 1-4, 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Feaster, US 5,254,106. See especially figure 3. Note that 53A, 53B are termed "sharp tip members" even though they don't look that sharp in the drawings. Regarding claim 8, note reference to a syringe in column 4, line 27.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

To overcome the Feaster '106 reference, applicant could recite that there is a circumference of the outside needle wall and state that the points are located less than 90 degrees apart along the circumference, or substantially less than 180 degrees along the circumference. Support needs to be added to the specification. The examiner would not consider this to be new mater since these features are clearly shown in the drawings. This would also avoid any problems with the Vaslow '641 reference or the Ayres '932 reference. Gordon '411 does not show the bevel, as already pointed out in the specification with reference to figures 5a, 5b.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571/272-4955.

Information regarding the status of an application may be obtained by going to www.uspto.gov, clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.

Sharon Kennedy
Sharon Kennedy
Primary Examiner
Art Unit 3762

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